

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/798,153
Filing Date Mar. 10, 2004
First Named Inventor Edward A. Ludvig
Assignee Microsoft Corporation
Group Art Unit 2427
Examiner Mark P. Stanley
Attorney's Docket No. MS1-1829US
Title Targeted Advertising Based on Consumer Purchasing Data

DECLARATION UNDER 37 C.F.R. §1.131

As one of the below named inventors, I hereby declare that:

I am an inventor of the subject matter which is claimed and for which a patent is sought in the application entitled "Targeted Advertising Based on Consumer Purchasing Data," as identified above.

I conceived of the invention in United States prior to the publication date of U.S. Patent No. 6,698,020, February 24, 2004. Furthermore, due diligence was exercised from a date before February 24, 2004 until filing of the application on March 10, 2004. The filing constitutes constructive reduction to practice.

Attached to this declaration is evidence (redacted portions of the following documents):

D: a "Patent Pre-disclosure Document" prepared by inventor before disclosure meeting scheduled with Applicant's representative indicating conception date "10/1/2003" (3 pages);

E: a "Disclosure Packet" naming the inventors, including a Summary, showing date of conception "October 1, 2003," file by date "3/10/04," and having the "Patent Pre-disclosure Document" embedded therein (2 pages);

F: a docket record sheet stamped "Nov 10 2003" showing date of conception "October 1, 2003" and file by date "March 10, 2004" (1 page);

G: an email exchange indicating the first draft was sent to the inventors for review "Jan 7, 2004" (1 page);

1 H: a firm email form to the drafting representative illustrating that the representative
2 was drafting three patent applications contemporaneously dated "February 23, 2004" (1
3 page);

4 I: a series of email exchanges between Applicant's representative and the inventors
5 between the first draft email of "January 7, 2004" and "March 8, 2004" illustrating that the
6 inventors and the representative were diligent in preparing the application, although they did
7 not drop their other responsibilities, as that is not required. (3 pages). Dates include:

8 January 7, 2004,

9 February 5, 2004,

10 March 1, 2004,

11 March 5, 2004,

12 March 8, 2004;

13 J: an email from Applicant's representative indicating that the final application is
14 complete and forwarding a copy of the completed application with the declaration and
15 assignment for the inventors' signatures "March 9, 2004" (1 page).

16 February 24-27 and March 2-4 are the only business days for which
17 contemporaneous documentary evidence regarding this application is not provided. These
18 periods are explained in the accompanying declaration from Kayla Brant, Applicant's
19 representative.

20 All statements made herein of my own knowledge are true and that all statements
21 made on information and belief are believed to be true; and further that these statements
22 were made with the knowledge that willful false statements and the like so made are
23 punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United
24 States Code and that such willful false statement may jeopardize the validity of the
25 application or any patent issued therefrom.

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